

REMARKS

I. Introduction

Claims 13, 14, 17 to 19, 22, 27, 29 to 40 and 42 to 45 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claim 33 Under 35 U.S.C. § 112, Second Paragraph

As regards the rejection of claim 33 under 35 U.S.C. § 112, second paragraph, the Examiner will note that claim 33 has been amended herein without prejudice to change “the at least one electrical parameter” to --the at least one electrical charge parameter--, thereby rendering moot the present rejection. Withdrawal of this rejection is therefore respectfully requested.

III. Amendment to Claim 35

The Examiner will note that claim 35 has been amended herein without prejudice to correct a typographic error to change “electrical parameter” to --electrical charge parameter--.

IV. Rejection of Claims 13, 22, 27, 35, 37, 39 and 42 to 45 Under 35 U.S.C. § 102(a)

The Office Action states that claims 13, 22, 27, 35, 37, 39 and 42 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 6,396,576 to Matthews et al. However, the named inventor on the face of U.S. Patent No. 6,396,576 is Kyle R. Bleyle. Furthermore, Figure 3 reproduced on page 3 of the Office Action does not correspond to Figure 3 of U.S. Patent No. 6,396,576. However, Figure 3 reproduced in the Office Action appears to correspond to Figure 3 of U.S. Patent No. 6,577,135, which names “Matthews et al.” on its face as the inventors. Thus, it is believed that the Office Action intended to refer to U.S. Patent No. 6,577,135 (“Matthews et al.”), and the present rejection is addressed as though made based on Matthews et al. Clarification is nevertheless requested.

As another initial matter, it is respectfully submitted that U.S. Patent No. 6,577,135 does not constitute prior art against the present application under 35 U.S.C. § 102(a). In this regard, U.S. Patent No. 6,577,135 issued on June 10, 2003, which is after the June 1, 2001 international filing date of the present application. Thus, it is respectfully submitted that the present rejection should be withdrawn for this reason alone.

Notwithstanding the foregoing, it is respectfully submitted that Matthews does not anticipate the present claims for at least the following reasons. Claim 13, for example, relates to set that includes a battery charger. Claim 13 recites that the battery charger includes a circuit that is adapted to set at least one electrical charge parameter of a charge upon connection of a unit to the battery charger via a connection element and that the at least one charge parameter is set by the circuit of the battery charger in accordance with a corresponding reference signal having a value dependent on a resistance of a corresponding resistor of an arrangement outside of the battery charger. Matthews et al. describe no details regarding the charger 22 other than the indication “CHARGER” as a block in Figures 2 and 3 and the brief text appearing at col. 4, lines 35 to 63. The text appearing at col. 4, lines 35 to 63 make no mention whatsoever as to a circuit of the charger 22. As such, Matthews et al. fail to disclose, or even suggest, that the charger 22 includes “a circuit adapted to set at least one electrical charge parameter of a charge upon connection of [a] unit to [a] battery charger via [a] connection element, the at least one electrical charge parameter being set by the circuit in accordance with a corresponding reference signal having a value dependent on a resistance of a corresponding one of . . . at least one resistor of [an] arrangement” outside of the charger. Any assertions to the contrary are apparently based on nothing more than pure speculation or conjecture.

Furthermore, the only connections to the charger 22 are two wires 26 and 28, which carry charging current therefrom, and a connection to the CHG output of the battery capacity detection circuit 32. The only mention in the text of Matthews et al. of the CHG output appears at col. 9, line 24, to wit “[w]henver the voltage on the SB input is greater than or equal to the MCV threshold, an indication is provided on the CHG output, which output can then be sent to the charger.” No mention is made, however, that the indication that can be sent to the charger has a value dependent on a resistance of a corresponding resistor of an arrangement outside of the charger. Rather, as indicated above, the indication provided on the CHG output only relates to whether the voltage on the SB input is greater than or equal to the MCV threshold. There is no apparent correlation between the indication provided on the CHG output and a resistance.

Thus, in view of the foregoing, it is respectfully submitted that Matthews et al. do not anticipate claim 13. Since claims 37 and 39 include features analogous to the foregoing features of claim 13 that are not disclosed or suggested by Matthews et al., it is respectfully submitted that Matthews et al. do not anticipate claims 37 and 39 for at least the same reasons indicated above.

Regarding claim 22, claim 22 relates to a connection element configured to connect a battery charger to a battery unit and recites that the connection element includes second connection terminals adapted to connect at least one resistor to a circuit of the battery charger and to deliver reference signals between the connection element and the circuit. Claim 22 further recites that the circuit of the battery charger is adapted to set in the battery charger parameters of a charge of the battery unit delivered from the battery charger to the battery unit by first connection terminals. As indicated above, Matthews et al. make no mention whatsoever of a circuit of the charger 22. As such, it is respectfully submitted that Matthews et al. do not anticipate claim 22. In addition, claim 22 recites that the connection element is removable from the battery charger and from the unit. Matthews et al. do not disclose, or even suggest, a connection element that is removable from charger 22 and from the battery pack 30. As such, it is respectfully submitted that Matthews et al. do not anticipate claim 22 for this additional reason.

As regards dependent claims 27, 35 and 42 to 45, it is respectfully submitted that Matthews et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 14, 17 to 19, 29 to 32 and 34 to 40 Under 35 U.S.C. § 103(a)

Claims 14, 17 to 19, 29 to 32 and 34 to 40 were rejected under 35 U.S.C. § 103(a) as anticipated by the combination of Matthews et al. and U.S. Patent No. 5,535,274 ("Braitberg et al."). It is respectfully submitted that the combination of Matthews et al. and Braitberg et al. does not render unpatentable the present claims for at least the following reasons.

Each of the present claims is a dependent claim, which includes all of the features of its respective base claim. As more fully set forth above, Matthews et al. do not disclose, or even suggest, all of the features recited in the independent claims of the present application. Braitberg et al. are not relied upon for disclosing or suggesting the features not disclosed or suggested by Matthews et al. As such, it is respectfully submitted that the combination of Matthews et al. and Braitberg et al. does not render unpatentable dependent claims 14, 17 to 19, 29 to 32 and 34 to 40 for at least the foregoing reasons.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,

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